

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

BURTON J. FRIEDMAN, M.D.

Holder of License No. 15197
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-03-0271

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Burton J. Friedman, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. Respondent acknowledges and understands that this Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

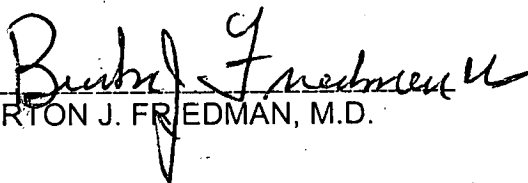
4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,
5 upon signing this agreement, and returning this document (or a copy thereof) to the
6 Board's Executive Director, Respondent may not revoke the acceptance of the Consent
7 Agreement. Respondent may not make any modifications to the document. Any
8 modifications to this original document are ineffective and void unless mutually approved
9 by the parties.

10 6. Respondent further understands that this Consent Agreement, once
11 approved and signed, is a public record that may be publicly disseminated as a formal
12 action of the Board and will be reported to the National Practitioner Data Bank and to the
13 Arizona Medical Board's website.

14 7. If any part of the Consent Agreement is later declared void or otherwise
15 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
16 force and effect.
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20 BURTON J. FRIEDMAN, M.D.
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DATED: Jan 23, 2004

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 15197 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-03-0271 after receiving notification that
7 the Wisconsin Medical Board had reprimanded Respondent for his care and treatment of a
8 68-year-old female patient ("E.K.").

9 4. Respondent was E.K.'s primary cardiovascular surgeon beginning with
10 E.K.'s admission to the emergency room on January 8, 2000.

11 5. On January 11, 2000, E.K. presented to another cardiovascular surgeon
12 ("Surgeon") for placement of a permanent pacemaker. Respondent also scrubbed in for
13 the procedure and during the procedure stood close to Surgeon.

14 6. Surgeon inserted the pacemaker using a guide wire. A fluoroscope x-ray
15 was also used to view the guide wire and ensure the guide wire was passed into the
16 appropriate heart chamber.

17 7. During the procedure, Surgeon mistakenly placed the guide wire and
18 perforated the aorta. E.K. suffered a rapid, massive blood loss and died.

19 8. The standard of care required Respondent to recognize that the guide wire
20 was not placed in the appropriate chamber and to then notify Surgeon of this complication.

21 9. Respondent deviated from the standard of care because he did not
22 immediately notify Surgeon of Surgeon's error in operating on the wrong structure.
23 Respondent also failed to take immediate and effective steps to reduce the adverse
24 consequences of the error to the patient.
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10. E.K.'s aorta was perforated and she suffered rapid, massive blood loss and died.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (26)(II) – (“[c]onduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.”)

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (26)(o) – (“[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor’s medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.”)

ORDER

IT IS HEREBY ORDERED THAT:

1.	Respondent is issued a Letter of Reprimand for failure to recognize the Surgeon's error during a procedure and for failure to take immediate and effective steps to reduce the adverse consequences of the error to the patient.
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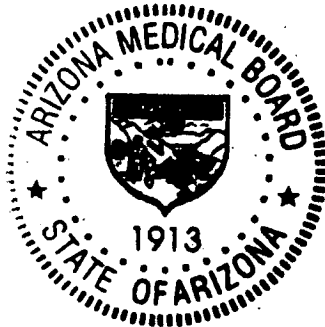
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2. This Order is the final disposition of case number MD-03-0271.

DATED AND EFFECTIVE this 10th day of MARCH, 2004.

(SEAL)



ARIZONA MEDICAL BOARD

By

Barry A. Cassidy
BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

ORIGINAL of the foregoing filed this
10th day of MARCH, 2004 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by
Certified Mail this 10th day of MARCH, 2004 to:

James R. Gutglass
Gutglass, Erickson, Bonville, Seibel & Falkner
735 Water Street, Suite 1400
Milwaukee, WI 53202
Attorney for Respondent

EXECUTED COPY of the foregoing mailed
this 10th day of MARCH, 2004 to:

Burton J. Friedman, M.D.
Address of Record

Jim McEran
Information Services